

1 **WHEREAS,**

2 1. The present case involves a property consisting of approximately 5000
3 acres, that includes over ten buildings,(e.g., hotel rooms, conference rooms, restaurants,
4 and spa facilities), seven swimming pools and miles of roads and trails (“the Property”);

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6 2. Plaintiffs filed their Complaint in this matter on October 22, 2013;

7 3. Defendants filed their Amended Answer on February 12, 2014;

8 4. The Property is larger in size than properties typically involved in litigation
9 that is subject to General Order No. 56;

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11 5. The parties conducted a joint site inspection under General Order 56 over
12 several days in February 2014;

13 6. In August 2014, the parties stipulated to delay the General Order 56
14 mediation deadlines to allow for production and analysis of plaintiff’s expert consultant
15 report on the site inspection, an Order that the Court signed on August 8, 2014, granting
16 an extension of time to file a Notice of Need for Mediation until November 6, 2014;

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18 7. On October 16, 2014 the parties jointly requested the Court extend the
19 deadline for filing a Notice of Need for Mediation for an additional six weeks, until
20 December 18, 2014, an Order that the Court signed on October 16, 2014, granting an
21 extension of time to file a Notice of Need for Mediation until December 18, 2014;

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23 8. On December 3, 2014 Plaintiffs filed their Notice of Need for Mediation;

24 9. On December 31, 2014 Defendants served an Offer of Judgment Pursuant
25 to Federal Rule of Civil Procedure 68;

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27 9. On January 14, 2015 the parties participated in a conference call supervised
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1 by the Court appointed mediator, Daniel Bowling, and agreed that: (a) beginning on or
2 about February 13, 2015 the parties and their respective experts would engage in
3 substantive discussions to attempt to refine and limit disputes regarding the alleged
4 barriers at issue in advance of a mediation hearing; and (b) given this agreement and the
5 professional schedules of the parties, their counsel, the respective experts and the
6 mediator, that that most practical date that the parties should attend a mediation hearing
7 was April 10, 2015;
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10 10. Subsequent to the January 14, 2015 Mr. Bowling reported the scheduling of
11 the April 10, 2015 mediation to the Court which was entered into the Court's records on
12 January 29, 2015; and

13 11. After consulting with the mediator, good cause exists for the Court to
14 extend time for the mediation hearing beyond the 90 days from the filing of the Notice of
15 Need for Mediation required by General Order 56, to allow the parties to continue to
16 informally negotiate and resolve issues and define disputed issues in advance of the
17 mediation hearing.
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20 **WHEREFORE THE PARTIES STIPULATE AND REQUEST AS FOLLOWS:**

21 That the Court set a deadline under General Order 56 that the parties participate in
22 the mediation hearing with Mr. Bowling on or before April 10, 2015.

23 **CONCURRENCE**

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25 In accordance with N.D. Cal. General Order No. 45, the filer of this document hereby
26 attests that the concurrence to the filing of this document has been obtained from the other
27 signatory hereto.
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Dated: February 10, 2015

KATZOFF & RIGGS LLP

/s/ Stephen Preonas
KENNETH S. KATZOFF
STEPHEN G. PREONAS
Attorneys for Defendants
HARBIN HOT SPRINGS; et al.

Dated: February 10, 2015

LAW OFFICES OF PAUL L. REIN

/s/ Celia McGuinness
CELIA MCGUINNESS
Attorneys for Plaintiffs WALTER
DELSON, NICOLE BROWN-BOOKER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 2/12/2015



HON. RICHARD SEEBORG